



Hallandale Beach Police Department
400 S. Federal Hwy.
Hallandale Beach, FL 33009
Phone: 954-457-1416 Fax: 954-458-4911



PROCEDURES FOR FILING CITIZEN COMPLAINTS
REGARDING POLICE DEPARTMENT PERSONNEL OR SERVICES

All citizen complaints alleging misconduct or any complaint against any police department personnel or services may be made by contacting any Shift Supervisor. The Shift Supervisor will listen to the complaint and determine if the complaint can be handled at this level, or if it is of a more serious nature, must be forwarded to the Professional Standards Investigator for further investigation.

In any event, a written report of the complaint by the Shift Supervisor will be forwarded to the Office of the Chief and Professional Standards for analysis.

The complaining citizen, upon contacting the Professional Standards Investigator, may request to meet at the police department or any other convenient location of choice.

The Professional Standards Investigator will listen to complaints orally, in full, prior to discussing the proper procedure for filing a formal complaint.

Formal complaints or allegations may necessitate taking taped or written statements, including the possibility of the complainant and witnesses appearing before the Civil Service Board or even testifying in Court if the complaint is one of a criminal nature.

If the investigation indicates at any given moment that the alleged complaint of misconduct, abusive use of force or a shooting incident, that there may be criminal intent, then the use of a polygraph examination for either the complainant, any witness, or the department member may be utilized.

After having fully received the complaint and an investigation is finalized and processed, the complaint is categorized as follows:

A. SUSTAINED

If after a review of the facts and all relevant evidence, it is determined that the complaint is supported by these facts, then the complaint is substantiated. Once substantiated, the appropriate disciplinary action is instituted.

B. UNFOUNDED

If after carefully reviewing all facts in the complaint, it is determined that the information concludes the allegation is untrue, then it is indicated as unfounded, and as such, is closed. However, this in no way precludes the possibility of new evidence or facts in reopening an investigation.

C. INCONCLUSIVE

If after a careful review of all facts and pertinent information concerning the allegation, a determination is made that because of a lack of witnesses or other objective and persuasive evidence, the complaint cannot logically, justly be substantiated, although this does not necessarily mean the allegation is untrue but cannot be proven (such as a one-on-one situation with a spoken word not overheard by a third party), then it is indicated as inconclusive.

D. EXONERATED

If a careful review of all the facts has been done and the allegation has been completely investigated, and the facts indicate that the action taken was consistent with agency policy, the employee is exonerated of the complaint.

CONCLUSION

After a final review with the Chief of Police and his determination of action to be taken is obtained, you will be notified, in writing, of the results of the investigation, and in non-specific terms, what action was taken by the Department.

Professional Standards maintains complaint investigation files on all members, and reviews and analyzes them to determine trends and types of complaints. In addition, this office is always on the alert for unreported incidents and indications of potential problems involving behavior, attitudes or conditions the Chief of Police should be made aware of.

It must be clearly and definitely understood that every complaint is not a violation of law or regulations, and even though not substantiated, the facts are documented for analysis.

IF YOU ARE NOT SURE ABOUT THE COMPLAINT OR YOU HAVE QUESTIONS, YOU MAY CALL INTERNAL AFFAIRS AT 954-457-1416.

FLORIDA STATUTES: a copy of the law enforcement officers' rights is attached to provide you with the rules we must adhere to when investigating allegations against them. A copy of F.S.S. 112.532 follows.

The 2006 Florida Statutes

[Title X](#)

PUBLIC OFFICERS, EMPLOYEES, AND RECORDS

[Chapter 112](#)

PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS

112.532 Law enforcement officers' and correctional officers' rights. --All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.--Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason which could lead to disciplinary action, demotion, or dismissal, such interrogation shall be conducted under the following conditions:

(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer or correctional officer is on duty, unless the seriousness of the investigation is of such a degree that immediate action is required.

(b) The interrogation shall take place either at the office of the command of the investigating officer or at the office of the local precinct, police unit, or correctional unit in which the incident allegedly occurred, as designated by the investigating officer or agency.

(c) The law enforcement officer or correctional officer under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by or through one interrogator during any one investigative interrogation, unless specifically waived by the officer under investigation.

(d) The law enforcement officer or correctional officer under investigation shall be informed of the nature of the investigation prior to any interrogation, and he or she shall be informed of the name of all complainants.

(e) Interrogating sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.

(f) The law enforcement officer or correctional officer under interrogation shall not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. No promise or reward shall be made as an inducement to answer any questions.

(g) The formal interrogation of a law enforcement officer or correctional officer, including all recess periods, shall be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. Upon the request of the interrogated officer, a copy of any such recording of the interrogation session must be made available to the interrogated officer no later than 72 hours, excluding holidays and weekends, following said interrogation.

(h) If the law enforcement officer or correctional officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he or she shall be completely informed of all his or her rights prior to the commencement of the interrogation.

(i) At the request of any law enforcement officer or correctional officer under investigation, he or she shall have the right to be represented by counsel or any other representative of his or her choice, who shall be present at all times during such interrogation whenever the

interrogation relates to the officer's continued fitness for law enforcement or correctional service.

(j) Notwithstanding the rights and privileges provided by this part, this part does not limit the right of an agency to discipline or to pursue criminal charges against an officer.

(2) COMPLAINT REVIEW BOARDS.--A complaint review board shall be composed of three members: One member selected by the chief administrator of the agency or unit; one member selected by the aggrieved officer; and a third member to be selected by the other two members. Agencies or units having more than 100 law enforcement officers or correctional officers shall utilize a five-member board, with two members being selected by the administrator, two members being selected by the aggrieved officer, and the fifth member being selected by the other four members. The board members shall be law enforcement officers or correctional officers selected from any state, county, or municipal agency within the county. There shall be a board for law enforcement officers and a board for correctional officers whose members shall be from the same discipline as the aggrieved officer. The provisions of this subsection shall not apply to sheriffs or deputy sheriffs.

(3) CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS OR CORRECTIONAL OFFICERS.--Every law enforcement officer or correctional officer shall have the right to bring civil suit against any person, group of persons, or organization or corporation, or the head of such organization or corporation, for damages, either pecuniary or otherwise, suffered during the performance of the officer's official duties, for abridgment of the officer's civil rights arising out of the officer's performance of official duties, or for filing a complaint against the officer which the person knew was false when it was filed. This section does not establish a separate civil action against the officer's employing law enforcement agency for the investigation and processing of a complaint filed under this part.

(4)(a) NOTICE OF DISCIPLINARY ACTION.--No dismissal, demotion, transfer, reassignment, or other personnel action which might result in loss of pay or benefits or which might otherwise be considered a punitive measure shall be taken against any law enforcement officer or correctional officer unless such law enforcement officer or correctional officer is notified of the action and the reason or reasons therefore prior to the effective date of such action.

(b) Notwithstanding the provisions of s. [112.533](#) (2), whenever a law enforcement officer or correctional officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer shall, upon request, be provided with a complete copy of the investigative report and supporting documents and with the opportunity to address the findings in the report with the employing law enforcement agency prior to the imposition of the disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. The contents of the complaint and investigation shall remain confidential until such time as the employing law enforcement agency makes a final determination whether or not to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. This paragraph shall not be construed to provide law enforcement officers with a property interest or expectancy of continued employment, employment, or appointment as a law enforcement officer.

(5) RETALIATION FOR EXERCISING RIGHTS.--No law enforcement officer or correctional officer shall be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against in regard to his or her employment or appointment, or be threatened with any such treatment, by reason of his or her exercise of the rights granted by this part.

(6) LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.--

(a) Except as provided in this subsection, no disciplinary action, demotion, or dismissal shall be undertaken by an agency against a law enforcement officer or correctional officer for any act, omission, or other allegation of misconduct if the investigation of such allegation is not completed within 180 days after the date the agency receives notice of the allegation by a person authorized by the agency to initiate an investigation of the misconduct. In the event that the agency determines that disciplinary action is appropriate, it shall complete its investigation and give notice in writing to the law enforcement officer or correctional officer of its intent to proceed with disciplinary action, along with a proposal of the action sought. Such notice to the officer shall be provided within 180 days after the date the agency received notice of the alleged misconduct, except as follows:

1. The running of the limitations period may be tolled for a period specified in a written waiver of the limitation by the law enforcement officer or correctional officer.
2. The running of the limitations period shall be tolled during the time that any criminal investigation or prosecution is pending in connection with the act, omission, or other allegation of misconduct.
3. If the investigation involves an officer who is incapacitated or otherwise unavailable, the running of the limitations period shall be tolled during the period of incapacitation or unavailability.
4. In a multijurisdictional investigation, the limitations period may be extended for a period of time reasonably necessary to facilitate the coordination of the agencies involved.

(b) An investigation against a law enforcement officer or correctional officer may be reopened, notwithstanding the limitations period for commencing disciplinary action, demotion, or dismissal, if:

1. Significant new evidence has been discovered that is likely to affect the outcome of the investigation.
2. The evidence could not have reasonably been discovered in the normal course of investigation or the evidence resulted from the pre-disciplinary response of the officer. Any disciplinary action resulting from an investigation that is reopened pursuant to this paragraph must be completed within 90 days after the date the investigation is reopened.

History.--s. 2, ch. 74-274; s. 2, ch. 82-156; s. 2, ch. 93-19; s. 721, ch. 95-147; s. 1, ch. 98-249; s. 1, ch. 2000-184; s. 1, ch. 003-149; s. 3, ch. 2005-100.

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